

PATENT
Docket No. 437472000200

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on July 19, 2002.

Tami M. Procopio
Tami M. Procopio

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Bryan HIROMOTO

Serial No.: 09/826,559

Filing Date: 04 April 2001

For: IMPROVED PESTICIDE
MICROEMULSION AND
DISPERSANT/PENETRANT
FORMULATIONS

Examiner: Michael V. Meller

Group Art Unit: 1651

#9
M.G.J
7/31/02
RECEIVED
JUL 26 2002
TECH CENTER 1600/2900

AMENDMENT UNDER 37 C.F.R. § 1.111

COPY OF PAPERS
ORIGINALLY FILED

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to an Office Action herein mailed 19 June 2002, time for response to which was set to expire 19 July 2002. Claims 1-65 were subjected to a restriction requirement among 12 groups.

Applicants hereby elect to prosecute the invention of Group I, claims 1-18, 30, 32 and 49-51. This election is made without traverse with respect to Groups II, IV, and VI-XII.

Reconsideration is requested with respect to Groups III and V.

Groups III and V are simply drawn to methods of using the composition claimed in Group I and to methods of making it. Applicants believe they are clearly entitled to rejoinder of Group III, which is drawn to a method of using the composition of Group I, which although separately patentable therefrom, utilizes an inherent and disclosed property of the composition. Similarly, Group V, claims 36-38, while also patentably distinct from the composition of Group I

as directed to a method of making such a composition, is so closely related that no undue burden would be borne by including this group for examination in the present application. Therefore, reconsideration with regard to examination of claims 34 and 36-44 is requested.

Applicants further note that an election of species is required with regard to the source of the fungal lipase, which appears in the claims; applicants elect the species wherein the lipase is derived from *Laetiporus*. If further election as to the monounsaturated acid or ester is required, election is made to oleic acid. Applicants understand that should the elected species be allowable subject matter, rejoinder of the remaining species will be forthcoming. The claims which read on the elected species are 1-7, 10-18, 30, 32 and 49-51.

Examination on the merits is respectfully requested.

CONCLUSION

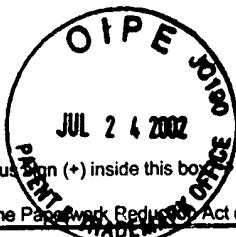
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 437472000200.

Respectfully submitted,

Dated: July 16, 2001

By: Kate H. Murashige
Kate H. Murashige
Registration No. 29,959

Morrison & Foerster LLP
3811 Valley Centre Drive,
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5112
Facsimile: (858) 720-5125



COPY OF PAPERS
ORIGINALLY FILED

1651

Please type a plus sign (+) inside this box



PTO/SB/21 (08-00)
Approved for use through 10/31/02. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/826,559
Filing Date	4 April 2001
First Named Inventor	Bryan HIROMOTO
Group Art Unit	1651
Examiner Name	M. Meller
Attorney Docket No.	437472000200

RECEIVED

JUL 26 2002

TECH CENTER 1600/2900

ENCLOSURES (check all that apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers
(for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/
Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts
under 37 CFR 1.52 or 1.53 | | |

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm
or
Individual Name
Kate H. Murashige (Reg. No. 29,959)
Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500
San Diego, CA 92130-2332

Signature

BRUCE GRANT 47,000 FOR

Date

July 19, 2002

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on July 19, 2002.

Tami M. Procopio

Tami M. Procopio

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.